

NEVADA ADMINISTRATIVE CODE

CHAPTER 486A

FLEETS: USE OF ALTERNATIVE FUELS

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FLEETS: USE OF ALTERNATIVE FUELS

NAC 486A.010 Definitions. (NRS 445B.210, 486A.150) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 486A.015 to 486A.110, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97)

NAC 486A.015 "Alternative fuel" defined. (NRS 445B.210, 486A.150) "Alternative fuel" means:

1. Any fuel which is usable in an alternative fuel retrofit system for motor vehicles that complies with the provisions of NAC 486A.150;
2. Methanol, ethanol or other alcohol, or any mixture thereof containing 85 percent or more by volume of such an alcohol with gasoline or other fuels;
3. Reformulated gasoline that complies with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established by the Clean Air Act Amendments of 1990, Public Law No. 101-549, November 15, 1990;
4. Low-sulfur diesel fuel that complies with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established by the Clean Air Act Amendments of 1990, Public Law No. 101-549, November 15, 1990;

5. Natural gas;
6. Liquefied petroleum gas;
7. Hydrogen;
8. Liquid fuels derived from coal or another source of power, including, but not limited to, electricity; and
9. Any other fuel designated as an alternative fuel by the administrator of the division of environmental protection of the department pursuant to NAC 486A.140.
(Added to NAC by Environmental Comm'n, eff. 10-29-97)

NAC 486A.017 "Alternative fuel vehicle" defined. (NRS 445B.210, 486A.150) "Alternative fuel vehicle" means:

1. A bi-fueled motor vehicle, as defined in NRS 486A.040;
2. A dedicated alternative fuel motor vehicle, as defined in NRS 486A.060; or
3. A flexible fueled vehicle, as defined in NRS 486A.090.
(Added to NAC by Environmental Comm'n, eff. 10-29-97)

NAC 486A.020 "Bus" defined. (NRS 445B.210, 486A.150) "Bus" means any vehicle which is designed to carry more than 15 passengers.
(Added to NAC by Environmental Comm'n, eff. 11-23-92)

NAC 486A.035 "Certified vehicle" defined. (NRS 445B.210, 486A.150) "Certified vehicle" means a motor vehicle that complies with:

1. The standards for the control of emissions from an ultra low-emission vehicle set forth in 40 C.F.R. § 88.104-94 or 88.105-94; or
2. Any other standards for the control of emissions from a motor vehicle adopted by the United States Environmental Protection Agency which are more stringent than the standards for the control of emissions from an ultra low-emission vehicle set forth in 40 C.F.R. § 88.104-94 or 88.105-94.
(Added to NAC by Environmental Comm'n by R031-00, eff. 5-26-2000)

NAC 486A.050 "Commission" defined. (NRS 445B.210, 486A.150) "Commission" means the state environmental commission.
(Added to NAC by Environmental Comm'n, eff. 11-23-92)

NAC 486A.055 "Contingency measure" defined (NRS 445B.210, 486A.150) "Contingency measure" means a measure that:

1. Is included in the state implementation plan; and
2. Takes effect in the manner prescribed in 42 U.S.C. § 7502(c)(9).
(Added to NAC by Environmental Comm'n by R-031-00, eff 5-26-2000)

NAC 486A.065 "Control measure" defined (NRS 445B.210, 486A.150) "Control measure" means a measure that is included in the state implementation plan to attain or maintain the national primary and secondary ambient air quality standards set forth in 40 C.F.R. Part 50.
(Added to NAC by Environmental Comm'n by R-031-00, eff 5-26-2000)

NAC 486A.080 "Department" defined. (NRS 445B.210, 486A.150) "Department" means the state department of conservation and natural resources.
(Added to NAC by Environmental Comm'n, eff. 11-23-92)

NAC 486A.090 "Director" defined. (NRS 445B.210, 486A.150) "Director" means the director of the department or his designee.
(Added to NAC by Environmental Comm'n, eff. 11-23-92)

NAC 486A.100 "Fiscal year" defined. (NRS 445B.210, 486A.150) "Fiscal year" means a period beginning July 1 and ending on the following June 30.
(Added to NAC by Environmental Comm'n, eff. 11-23-92)

NAC 486A.102 "Fleet" defined. (NRS 445B.210, 486A.150) "Fleet" has the meaning ascribed to it in NRS 486A.080.
(Added to NAC by Environmental Comm'n, eff. 10-29-97)

NAC 486A.110 "Heavy-duty truck" defined. (NRS 445B.210, 486A.150) "Heavy-duty truck" means a truck that has a manufacturer's gross vehicle weight rating of at least 8,500 pounds but less than 26,000 pounds.
(Added to NAC by Environmental Comm'n, eff. 11-23-92)

NAC 486A.125 “State implementation plan” defined. (NRS 445B.210, 486A.150) “State implementation plan” means the plan adopted by the State of Nevada pursuant to 42 U.S.C. §§ 7410 and 7502.
(Added to NAC by Environmental Comm’n by R-031-00, eff 5-26-2000)

NAC 486A.135 Applicability of chapter. (NRS 445B.210, 486A.150) The provisions of this chapter do not apply to:

1. The operator of a fleet that operates only in a county whose population is less than 100,000.
 2. Any governmental agency exempted by federal statute or regulation.
 3. Any person exempted by the commission.
- (Added to NAC by Environmental Comm’n, eff. 10-29-97)

NAC 486A.140 Designation of fuel as alternative fuel: Request for designation; requirements for designation; notice of intent to designate. (NRS 445B.210, 486A.150)

1. Except as otherwise provided in subsection 4, the administrator of the division of environmental protection of the department may designate a fuel as an alternative fuel. A person who wishes to have a fuel designated as an alternative fuel must submit to the administrator a written request which includes evidence that the fuel complies with the requirements set forth in subsection 2.

2. A fuel designated as an alternative fuel by the administrator must:

(a) If used to operate a motor vehicle:

(1) Reduce the emissions of one or more regulated pollutants to a level below the level of emissions generated if the fuel for which the designated fuel serves as an alternative is used to operate a motor vehicle;

(2) Generate emissions which are within the limits established pursuant to NAC 445B.596 for all regulated pollutants; and

(3) Generate emissions which are measurable using testing procedures approved by the division; and
(b) Be capable of being safely transported in bulk, handled during fueling and used to operate motor vehicles which are converted or manufactured to use the fuel.

3. Not less than 30 days before a fuel is designated as an alternative fuel pursuant to subsection 1, the administrator shall provide a notice of intent to designate the fuel as an alternative fuel to each person who has requested that his name be placed on a mailing list maintained by the division for the purpose of providing that notice. The administrator shall cause the notice to be published at least once in newspapers of general circulation throughout this state.

4. The administrator shall not designate a fuel as an alternative fuel if he determines that such a designation would have a significant adverse effect on a control measure or contingency measure.

(Added to NAC by Environmental Comm’n, eff. 11-9-95; A 10-29-97; R-031-00, 5-26-2000))

NAC 486A.150 Alternative fuel retrofit system for motor vehicles: Requirements for use. (NRS 445B.210, 486A.150) An alternative fuel retrofit system for motor vehicles is approved for use in this state if it has been certified by the United States Environmental Protection Agency or the California Air Resources Board, or both.

(Added to NAC by Environmental Comm’n, eff. 11-23-92; A 10-29-97)

NAC 486A.160 Acquisition of or conversion of vehicles to alternative fuel vehicles or certified vehicles. (NRS 445B.210, 486A.150)

1. The operator of a fleet, including, but not limited to, the operator of a fleet with buses and heavy-duty trucks, must obtain alternative fuel vehicles or certified vehicles in the following percentages of vehicles acquired or replaced, in compliance with the following schedule:

Fiscal year 1995	10 percent
Fiscal year 1996	15 percent
Fiscal year 1997	25 percent
Fiscal year 1998	50 percent
Fiscal year 1999	75 percent
Fiscal year 2000 and each year thereafter	90 percent

2. If the number of vehicles purchased, leased or otherwise acquired by the operator of a fleet in any 1 year when multiplied by the percentage specified in subsection 1 contains a fraction, the number of vehicles required to be alternative fuel vehicles or certified vehicles must be rounded off to the nearest whole number.

3. The operator of a fleet may meet the requirements of this section by converting existing or newly acquired vehicles to alternative fuel vehicles.

(Added to NAC by Environmental Comm’n, eff. 11-23-92; A 10-29-97; R031-00, 5-26-2000)

NAC 486A.180 Use of alternative fuel; records of fuel used; reporting requirements. (NRS 445B.210, 486A.150)

1. An alternative fuel vehicle acquired in compliance with NAC 486A.160 must be operated solely on an alternative fuel except when operating in an area where the appropriate alternative fuel is unavailable. The provisions of this subsection do not apply to a hybrid electric vehicle as defined in 40 C.F.R. § 86.1702-99.

2. The operator of a fleet shall compile records of all fuel used to operate alternative fuel vehicles on a monthly basis. The records must be:

(a) Available for inspection not later than 30 days after the end of the month for which the records were compiled; and

(b) Maintained for a period of 2 years after the end of the month for which the records were compiled.

3. Not later than 30 days after the end of each fiscal year, the operator of a fleet shall file a written report with the director which specifies for that immediately preceding fiscal year:

(a) The number of vehicles purchased, leased or otherwise acquired;

(b) The number of vehicles purchased, leased or otherwise acquired that are alternative fuel vehicles or certified vehicles;

(c) The number of existing vehicles that were converted to alternative fuel vehicles; and

(d) For each vehicle included in paragraph (a), (b) or (c):

(1) The vehicle identification number;

(2) The make, model and year of manufacture; and

(3) The type of fuel used by the vehicle.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97; R031-00, 5-26-2000)

NAC 486A.190 Authority of director to require additional reports. (NRS 445B.210, 486A.150) The director may require the operator of a fleet to file with the department any reports that the director determines are necessary to implement or enforce the provisions of this chapter.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97)

NAC 486A.200 Exemptions from provisions. (NRS 445B.210, 486A.150)

1. Except as otherwise provided in subsection 3, the director may exempt the operator of a fleet from any provision of this chapter if the director determines that:

(a) Alternative fuel vehicles or certified vehicles meeting the requirements of this chapter are not available for purchase, lease or acquisition by other means; or

(b) A commercial facility which sells alternative fuel is not available in the area in which the fleet is operated, and providing a facility to dispense alternative fuel would be economically impracticable for the operator of the fleet.

2. An exemption granted by the director pursuant to subsection 1 must be for an initial period of not more than 12 months and may be renewed for additional periods of not more than 12 months.

3. The director shall not exempt the operator of a fleet from the requirements of any provision of this chapter if he determines that such an exemption would have a significant adverse effect on a control measure or contingency measure.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97; R031-00, 5-26-2000)

NAC 486A.210 Violations: Notice; order to take corrective action; initiation of proceedings before commission. (NRS 445B.210, 486A.150)

1. If the director believes that a person has failed to comply with the provisions of chapter 486A of NRS or this chapter, the director shall cause written notice to be served upon the person responsible for the alleged violation.

2. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person.

3. The notice must specify:

(a) The statute or regulation alleged to be violated; and

(b) The facts alleged to constitute the violation.

4. The notice may include an order to take corrective action within a reasonable time, which must be specified. Such an order becomes final unless, within 10 days after service of the notice, a person named in the order requests a hearing before the commission.

5. With or without the issuance of an order pursuant to subsection 4, or if corrective action is not taken within the time specified:

(a) The director may require a person responsible for the alleged violation to appear before the commission at a specified time and place; or

(b) The commission may initiate proceedings for recovery of the appropriate penalty.

6. This section does not prevent the commission or the director from obtaining voluntary compliance by issuing a warning, holding a conference or by any other appropriate means.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97)

NAC 486A.220 Violations: Severity; imposition and amount of fine. (NRS 445B.210, 486A.150, 486A.180)

1. Except as otherwise provided in subsection 3, any violation of the provisions of chapter 486A of NRS or this chapter is a major violation. The commission may impose a fine of up to \$5,000 for each violation.

2. In determining the amount of a penalty to be imposed for a major violation, the commission will consider:

- (a) The size of the fleet;
- (b) The economic impact of the penalty on the fleet;
- (c) The violator's good faith efforts to comply;
- (d) The duration of the violation as established by any credible evidence;
- (e) The prior record of violations by the operator of the fleet;
- (f) The economic benefits of noncompliance; and
- (g) The seriousness of the violation.

3. Except as otherwise provided by subsection 4, the following offenses are minor violations:

- (a) Failure to operate a vehicle on an alternative fuel without justification;
- (b) Failure to file a report in a timely manner as required by NAC 486A.180; or
- (c) Failure to file a report required by the director pursuant to NAC 486A.190.

4. All minor violations become major violations upon the fourth occurrence of the same offense by the fleet within a period of 60 consecutive months.

5. The commission will assess fines for minor violations consistent with the following schedule:

	First Offense	Second Offense	Third Offense
Failure to operate a vehicle on an alternative fuel without justification.	\$250	\$500	\$750
Failure to file a report in a timely manner as required by NAC 486A.180.	\$250	\$500	\$750
Failure to file a report required by the director pursuant to NAC 486A.190.	\$250	\$500	\$750

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97)

NAC 486A.230 Violations: Payment of fine. (NRS 445B.210, 486A.150, 486A.180)

1. The amount of the fine imposed for any violation of the provisions of this chapter or chapter 486A of NRS must be submitted not later than 10 days after the notice required by NAC 486A.210 is served upon the violator.

2. Payment of the fine imposed:

(a) Must be made to the Bureau of Air Quality, 333 West Nye Lane, Room 138, Carson City, Nevada 89706-0851; and

(b) May be made by cashier's check, certified check, money order, personal check or cash.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A by R031-00, 5-26-2000)

NAC 486A.240 Appeal of decision of director. (NRS 445B.210, 486A.150) A party wishing to appeal a decision of the director must file an application for an appeal with the executive secretary of the commission not later than 10 working days after the date the decision is issued. The application forms must be provided by the director.

(Added to NAC by Environmental Comm'n, eff. 11-23-92)

NAC 486A.250 Appeal of final decision of department. (NRS 445B.210, 486A.150)

1. Any person who requests a hearing before the commission concerning a final decision of the department pursuant to chapter 486A of NRS may do so by filing a request, within 10 days after notice of the action of the department, on form 3 with the State Environmental Commission, 333 West Nye Lane, Room 138, Carson City, Nevada 89706-0851. A copy of the form may be obtained from the commission.

2. The provisions of NAC 445B.875 to 445B.899, inclusive, apply to a hearing of the commission requested pursuant to subsection 1.

(Added to NAC by Environmental Comm'n, eff. 10-29-93; A 10-29-97; R-031-00, 5-26-2000)

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